

1
2 **Q. What is your name?**

3 A. Ken Bozeman.

4 **Q. What is the name of your business?**

5 A. I am the owner of B2 Holdings, LLC, a property management company.
6 My customers include tenants of a strip shopping mall, including a
7 hairdresser, a restaurant, and a dance studio.

8 **Q. Why have you complained to the South Carolina Public
9 Service Commission?**

10 A. I am complaining for three reasons. First, the wastewater removal charges
11 I am being billed as a business owner are unfair and out of proportion to
12 the amount of water we use. Some bills are attached as EXHIBIT ONE.
13 Second, I am being penalized by the water company for complaining
14 about the outrageousness of their charges in an earlier case. This penalty,
15 which amounts to \$1140, is attached as EXHIBIT TWO
16 Third, the model used by Carolina Water Service to charge for sewage
17 collection, R. 61,67 - a DHEC document - has now been altered by the
18 legislature. The charges should be 25 percent less. The new document is
19 attached as EXHIBIT THREE.

20 **Q. Tell me why your sewer and wastewater removal charges
21 are unfair.**

RECEIVED
JUN 17 2015
JUL 1 2015

1 A. My customers are small businesses who have Carolina Water Service as
2 their water supplier and sewage/wastewater collection. Their water bills
3 are enormously high because of the fee they pay for wastewater
4 collection. The wastewater collection is a huge percentage of their water
5 bill. During June 2013, one of my tenant's water bills was \$132.90. Of
6 that, \$80.19 was for sewage collection. That means 60 percent of their bill
7 was for wastewater collection.

8 My latest water bill for the restaurant, for 11/25/14 through 12/25/14, is
9 \$460.10 for 13,530 gallons of water. The wastewater collection charge is
10 \$279.09, or 60% of the entire bill.

11 **Q. How is Carolina Water Service penalizing you?**

12 A. Earlier I filed complaint 2013-71-WS. We tried in good faith to settle that
13 complaint, but CWS attorneys would not return our call. The case was
14 dismissed. Now I am being charged \$1140 for the prior six months, before
15 I was notified me that the SFEs for the restaurant were being changed
16 from three to 9.4.

17 The restaurant, located at 4947 Charlotte Highway, was closed from
18 October 2012 until November 2013.

19 Since the last case was dismissed by agreement, the wastewater charge
20 on the restaurant has risen from \$80.19 per month to \$279 per month.

21 This renders the restaurant non-competitive with restaurants outside the
22 Utilities, Inc. or Carolina Water Service area.

1 **Q. What is document R.61.67?**

2 A. R.61.67 is a South Carolina DHEC document showing guidelines for
3 wastewater facility construction. Carolina Water Services uses this
4 document to charge businesses for wastewater collection.
5 Businesses are being billed for wastewater collection according to the
6 type of business, rather than the amount of water they actually use. One
7 of my tenants, a hairdresser, is being billed for chairs in the facility, even
8 though all the chairs are not actually in use. This means they are paying
9 three SFEs per month for wastewater collection for chairs that are not in
10 use.

11 **Q. Is the DHEC document R.61.67 still in effect?**

12 A, Yes, but recently, in December 2014, the legislature amended the
13 document because of "improved design of sewer collection services." The
14 amount of SFEs per business are now 25 percent less. I should be
15 charged 25 percent less, and I am asking that this be applied
16 retroactively. See Exhibit three.
17 The amounts are still outrageous and out of proportion to the amount of
18 business done by a restaurant, hairdresser, or other business.

19 **Q, Have you complained directly to Carolina Water Service**
20 **about this problem?**

21 A. Yes. When I approached Carolina Water Service and explained the
22 problem to them, they told me they could charge anything they wanted to

1 charge for wastewater collection. I also discovered at that meeting, that
2 some businesses were not being charged according to R.61-67. Carolina
3 Water Service was using this standard unequally. The restaurant where
4 we had the meeting in York County was not being charged the business
5 tariff for wastewater collection. But for some reason, Carolina Water
6 Service had decided to charge my strip mall according to R.61.67,
7 Also, I tried to settle the prior case, but the attorney for Carolina Water
8 Service would not return our calls.

9 **Q. What solution do you propose?**

10 A. First of all, businesses should be charged equally for wastewater
11 collection, according to one tariff. Secondly, and most importantly,
12 businesses should be charged for wastewater collection according to how
13 much water they actually consume. Under the present system, small
14 businesses are being charged unfairly. This is a burden on small
15 businesses in South Carolina.

16 We also ask that the SFEs per business be altered, at least, accorded to
17 the amended R.61.67 (Exhibiti 3), and that this amendment be applied
18 retroactively.

19
20
21



Carolina Water Service Inc
 Phone: (800) 272-1919
 Collections: (800) 272-1919
 Customer Service: (800) 272-1919
 www.uiwater.com

Bill Date	Due Date	Please Pay
10/30/2014	11/24/2014	\$454.91

Name **B2 HOLDINGS LLC** Primary Telephone # **(843) 886-5582**
 Service Address **4543 CHARLOTTE HWY, PLANTATION SQUARE, LAKE WYLIE, SC, 29710**

Activity Since Last Bill

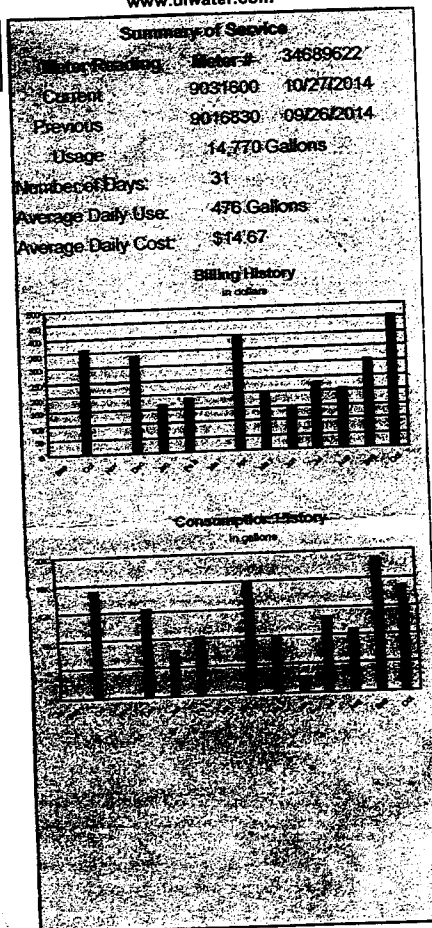
Previous Balance	\$306.93	
Payments received as of 10/30/2014	\$-306.93	
Balance as of 10/30/2014		\$0.00

Commercial Purchased Water

Water Distribution Base Charge	\$32.68	
Distribution Usage of 14,770 gallons at \$2.71 per 1,000 gallons	\$40.03	
York County Base Charge	\$0.15	
York Cty Water Supply Charge of 14,770 gallons at \$0.00326 per gallon	\$48.15	
Safe Drinking Water Act Fee	\$0.73	\$121.74
Total Commercial Purchased Water		

Commercial Wastewater Treatment

Wastewater Collection Charge	\$279.09	
Treatment Charge - First 14,770 gallons at \$3.64 per 1,000 gallons	\$53.76	
York County Wholesale Wastewater Base Charge	\$0.32	
Total Commercial Wastewater Treatment		\$333.17
Total Amount Due		\$454.91



A fee of 1.5% per month will be added if unpaid by the due date.

Rate Schedules are available upon request. Make check payable to: Carolina Water Service Inc

Messages

The Company is under the jurisdiction of the PSC. You may contact the ORS at 800-922-1531 with any complaints that remain unresolved after 7 days.



Carolina Water Service Inc
 Phone: (800) 272-1919
 Collections: (800) 272-1919
 Customer Service: (800) 272-1919
 www.uiwater.com

Bill Date	Account Number	Due Date	Please Pay
10/30/2014		11/24/2014	\$44.73

Name B2 HOLDINGS LLC Primary Telephone # (843) 886-5582

Service Address 21 PLANTATION SQUARE, LAKE WYLIE, SC, 29710

Activity Since Last Bill

Previous Balance	\$54.29	
Payments received as of 10/30/2014	\$-54.29	
Balance as of 10/30/2014		\$0.00

Commercial Purchased Water

Water Distribution Base Charge	\$12.49	
Distribution Usage of 140 gallons at \$2.71 per 1,000 gallons	\$0.38	
York County Base Charge	\$0.15	
York Cty Water Supply Charge of 140 gallons at \$0.00326 per gallon	\$0.46	
Safe Drinking Water Act Fee	\$0.73	
Total Commercial Purchased Water		\$14.21

Commercial Wastewater Treatment

Wastewater Collection Charge	\$29.69	
Treatment Charge - First 140 gallons at \$3.64 per 1,000 gallons	\$0.51	
York County Wholesale Wastewater Base Charge	\$0.32	
Total Commercial Wastewater Treatment		\$30.52

Total Amount Due \$44.73

Summary of Service

Meter Reading	Meter #	85094669
Current	1205090	10/27/2014
Previous	1204950	09/26/2014
Usage		140 Gallons
Number of Days		31
Average Daily Use:		4.52 Gallons
Average Daily Cost:		\$1.44

Billing History



Consumption History



A fee of 1.5% per month will be added if unpaid by the due date.

Rate Schedules are available upon request. Make check payable to: Carolina Water Service Inc

Messages

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restaurant



Carolina Water Service Inc
 Phone: (800) 272-1919
 Collections: (800) 272-1919
 Customer Service: (800) 272-1919
 www.uhwater.com

Bill Date	Due Date	Please Pay
10/30/2014	11/24/2014	\$270.84

Name **B2 HOLDINGS LLC** Primary Telephone # **(843) 886-5582**

Service Address **4947 Charlotte HWY, LAKE WYLIE, SC, 29710**

Activity Since Last Bill

Previous Balance	\$291.46	
Payments received as of 10/30/2014	\$-291.46	
Balance as of 10/30/2014		\$0.00

Commercial Purchased Water

Water Distribution Base Charge	\$12.49	
Distribution Usage of 17,490 gallons at \$2.71 per 1,000 gallons	\$47.40	
York County Base Charge	\$0.15	
York Cty Water Supply Charge of 17,490 gallons at \$0.00326 per gallon	\$57.02	
Safe Drinking Water Act Fee	\$0.73	
Total Commercial Purchased Water		\$117.79

Commercial Wastewater Treatment

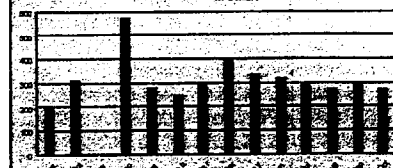
Wastewater Collection Charge	\$89.07	
Treatment Charge - First 17,490 gallons at \$3.64 per 1,000 gallons	\$63.66	
York County Wholesale Wastewater Base Charge	\$0.32	
Total Commercial Wastewater Treatment		\$153.05

Total Amount Due **\$270.84**

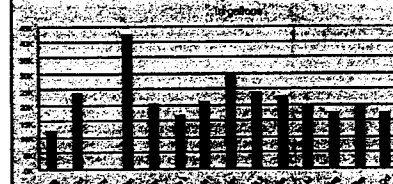
Summary of Service

Meter Reading	Meter #	98027289
Current	4547670	10/27/2014
Previous	4530180	09/26/2014
Usage	17,490 Gallons	
Number of Days	31	
Average Daily Use	564 Gallons	
Average Daily Cost	\$8.74	

Billing History



Consumption History



A fee of 1.5% per month will be added if unpaid by the due date.

Rate Schedules are available upon request. Make check payable to: Carolina Water Service Inc

Messages

The Company is under the jurisdiction of the PSC. You may contact the ORS at 800-922-1531 with any complaints that remain unresolved after 7 days.



Carolina Water Service Inc
 Phone: (800) 272-1919
 Collections: (800) 272-1919
 Customer Service: (800) 272-1919
 www.uiwater.com

Bill Date	Account Number	Due Date	Please Pay:
12/31/2014		1/26/2015	\$1,600.10

Name **B2 HOLDINGS LLC** Primary Telephone # (843) 886-5582

Service Address **4543 CHARLOTTE HWY, PLANTATION SQUARE, LAKE WYLIE, SC, 29710**

Activity Since Last Bill

Previous Balance	\$1,722.82	
Payments received as of 12/31/2014	\$-582.82	
Balance as of 12/31/2014		\$1,140.00

Adjustments

Late Payment Charge	\$17.10
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Commercial Purchased Water

Water Distribution Base Charge	\$32.68
Distribution Usage of 13,530 gallons at \$2.71 per 1,000 gallons	\$36.67
York County Base Charge	\$0.15
York Cty Water Supply Charge of 13,530 gallons at \$0.00326 per gallon	\$44.11
Safe Drinking Water Act Fee	\$0.73
Total Commercial Purchased Water	\$114.34

Commercial Wastewater Treatment

Wastewater Collection Charge	\$279.09
Treatment Charge - First 13,530 gallons at \$3.64 per 1,000 gallons	\$49.25
York County Wholesale Wastewater Base Charge	\$0.32
Total Commercial Wastewater Treatment	\$328.66

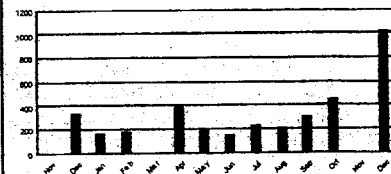
Total Amount Due

\$1,600.10

Summary of Service

Meter Reading	Meter #	34689622
Current	9073210	12/26/2014
Previous	9059680	11/25/2014
Usage	13,530 Gallons	
Number of Days:	31	
Average Daily Use:	436 Gallons	
Average Daily Cost:	\$14.29	

Billing History



Consumption History



A fee of 1.5% per month will be added if unpaid by the due date.

Rate Schedules are available upon request. Make check payable to: Carolina Water Service Inc

Messages

Our records indicate the prior balance remains unpaid and your account may be subject to disconnection. Please note the due date on this bill refers to the current bill amount and does not extend the time allowed for payment of the prior balance.
 The Company is under the jurisdiction of the PSC. You may contact the ORS at 800-922-1531 with any complaints that remain unresolved after 7 days.



PO BOX 160609
 Altamonte Springs, FL 32716



Account Number:

Amount Paid

Due Date: 1/26/2015

Please Pay: **\$1,600.10**

UTI0101A MIXED AADC 604
 7000001154 00.0005.0055 1147/1



B2 HOLDINGS LLC
 18 MORGAN PL
 ISLE OF PALMS SC 29451-2742



Carolina Water Service Inc
 PO Box 11025
 Lewiston ME 04243-9476



☐ Address correction requested on back

BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
SUMMARY SHEET
December 11, 2014

- (X) ACTION
() INFORMATION

- I. TITLE: Public Hearing before the Board and Consideration for Final Approval
Proposed Amendment of R.61-67, *Standards for Wastewater Facility Construction*
State Register Document No. 4485
Legislative Review is Required
- II. SUBJECT: Request for Finding of Need and Reasonableness pursuant to S.C. Code Section 1-23-111
- III. FACTS:

1. Regulation 61-67, *Standards for Wastewater Facility Construction*, establishes standards, for general and technical design requirements, for use by the Department in reviewing Engineering Reports, establishing Reliability Classifications and issuing State construction permits or other approval action as outlined in the regulation. This regulation applies to engineering design and construction of all wastewater treatment facilities and all wastewater collection and transmission facilities that require a construction permit or approval from the Department

2. Pursuant to S.C. Code Sections 48-1-50 and 48-1-110, the Department proposes to amend R.61-67. The purpose of these amendments is to reduce unit loading flows in Appendix A by 25 percent based on the knowledge of water savings fixtures and improved designs of sewer collection systems. For ease of implementation, the loading was rounded to the nearest whole number. The proposed revisions also include having a service connection definition similar to the definition for a drinking water service connection, reducing the number of plans and other documents that need to be submitted, revisions to streamline industrial pump and haul operations and allowing issuance of a treatment plant permit coincident with a discharge permit. These revisions include a minor language change for clarification and a stylistic change to the table in Appendix A and Section 67.100.F.4.b. (5) and (6). Language related to permit appeals was removed so as to streamline with current law.

3. A Notice of Drafting was published in the *State Register* on April 25, 2014. A notice was also posted on the Department's website in the *DHEC Regulation Development Update*. Comments were requested by May 27, 2014. The Department received comments from the regulated community during the drafting comment period. Department staff met with representatives of the regulated community on several occasions, resolving and clarifying issues. All comments received during the drafting comment period were considered in formulating the proposed amendments for public notice. A copy of the Drafting Notice is submitted as Attachment E.

4. The regulation amendments were internally reviewed by all appropriate staff prior to seeking Board initial approval for public notice.

5. Department staff requested and received initial approval from the DHEC Board on September 11, 2014 to provide opportunity for public comment on the proposed regulations.

6. Staff published a Notice of Proposed Regulation in the *State Register* on September 26, 2014 identified

as Document No. 4485. The Notice included notice of opportunity for interested persons to contribute input on the proposed regulations by attending a staff-conducted informational forum, by submitting written comments during a public comment period, and/or by attending a public hearing before the Board on December 11, 2014. An excerpt from the Notice is submitted as Attachment D.

7. The staff informational forum was conducted on October 27, 2014. There were three interested parties other than Department staff who attended the forum. There were no written comments received at the forum. One written comment was received during the overall public comment period in support of the proposed regulations. Comments received during the comment period were considered by staff. Since publication of the Notice of Proposed Regulations, the Department is also proposing to make two minor nonsubstantive corrections to the proposed regulation text at Section 67.100.E.4.b. (5) and (6). These two revisions do not change the legal meaning of the regulation and are made for consistency in form with other parts of that section to improve overall quality of the regulation. These changes were approved by appropriate Department staff. A Summary of Public Comments and Department Responses is submitted as Attachment F. The comment letter is on file with the program and is available for review upon request.

8. A Summary of Revisions and the Text of Proposed Amendments are submitted as Attachments B and C.

9. Interested persons making comments on the proposed amendment were mailed a response to their comments along with a reminder of the date, time and location of the public hearing scheduled before the Board for December 11, 2014.

10. The Department is requesting public hearing and finding of need and reasonableness by the Board. If approved, the proposed regulation would be forwarded to the Legislature for review.

IV. ANALYSIS:

1. Regulation 61-67, *Standards for Wastewater Facility Construction*, is being amended to bring clarity and to reduce unit loading flows in Appendix A by 25 percent based on the knowledge of water savings fixtures and improved designs of sewer collection systems. For ease of implementation, the loading was rounded to the nearest whole number. The proposed revisions also include having a service connection definition similar to the definition for a drinking water service connection, reducing the number of plans and other documents that need to be submitted. Furthermore, revisions include streamlining industrial pump and haul operations and allowing issuance of a treatment plant permit coincident with a discharge permit. Minor changes were made at R.61-67.100 to remove unnecessary language for clarity and stylistic changes were made in the Table at Appendix A and Section 67.100.E.4.b. (5) and (6). Language related to permit appeals was removed so as to streamline with current law.

2. See Statement of Need and Reasonableness submitted as Attachment A.

V. RECOMMENDATION: Department staff recommend based upon the public hearing and attached information, that the Board find for the need and reasonableness of the proposed amendments of R.61-67 regulation for submission to the Legislature for review.



David E. Wilson, Jr., P.E.,
Chief, Bureau of Water
Environmental Quality Control



Elizabeth A. Dieck,
Director of Environmental Affairs

Attachments:

- A. Statement of Need and Reasonableness
- B. Table of Revisions
- C. Text of Proposed Amendments
- D. Excerpt of the *State Register* Notice of Proposed Regulation published September 26, 2014
- E. *State Register* Notice of Drafting published April 25, 2014
- F. Summary of Public Comments and Department Responses

ATTACHMENT A
STATEMENT OF NEED AND REASONABLENESS
STATEMENT OF RATIONALE
PROPOSED AMENDMENT OF R.61-67, STANDARDS FOR WASTEWATER FACILITY
CONSTRUCTION
December 11, 2014

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Amendment of Regulation 61-67, *Standards for Wastewater Facility Construction*

Purpose: The purpose of this amendment is to reduce unit loading flows in Appendix A by 25 percent based on the knowledge of water savings fixtures and improved designs of sewer collection systems. For ease of implementation, the loading was rounded to the nearest whole number. The proposed revisions also include having a service connection definition similar to the definition for a drinking water service connection, reducing the number of plans and other documents that need to be submitted, revisions to streamline industrial pump and haul operations and allowing issuance of a treatment plant permit coincident with a discharge permit. This revision includes a minor language change for clarification and a stylistic change to the table in Appendix A and Section 67.100.E.4.b. (5) and (6).

Legal Authority: This regulation is authorized by 1976 Code Sections 48-1-50 and 48-1-110.

Plan for Implementation: The proposed amendments will make changes to and be incorporated into R.61-67 upon approval of the General Assembly and publication in the *State Register*. The proposed amendments will be implemented in the same manner in which the existing regulations are implemented. An electronic copy of R.61-67, to include these amendments, will be published on the Department's Laws and Regulations website under the Water category at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Water> and subsequently on the S.C. Legislature Online website in the S.C. Code of Regulations. Printed copies of the regulation can be purchased at cost through the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT:

1. DHEC has identified areas that need to be revised to bring clarity to the regulation. Revising the applicability portion of the regulation will remove un-necessary language "after the effective date of this regulation."
2. Reducing unit-loading flows in Appendix A by 25 percent is based on knowledge of water savings fixtures and improved designs of sewer collection systems. For ease of implementation, the loading was rounded to the nearest whole number. Regarding unit loadings specified in Appendix A, after reviewing data from sewerage systems, current loadings are typically overly conservative resulting in the potential for facilities to be wasting reserve capacity. This can create an economic burden on a local community. Reducing loadings by 25 percent (e.g., lowering the design loading from residential homes from a default number of 400 gallons/day to 300 gallons/day) better approximates the loadings in a sewer system.

3. The current definition of a service connection requires a construction permit for a sewer line when a similar drinking water line does not require a permit. Based on the fact that there have not been concerns historically with the drinking water definition resulting in the conclusion that having the sewer line definition better match the water line definition would help bring consistency to the permitting program. Having a service connection definition similar to the definition for a drinking water service connection will reduce the burden to obtain a sewer construction permit in some cases.

4. With the greater availability of electronic communication, DHEC staff will need fewer copies of certain components of the application package. The proposal reduces the number of plans and other documents DHEC needs to review a construction permit application.

5. Increasing the threshold for an industrial pump and haul approval will reduce the burden on industries when needing to haul small quantities of wastewater to another system. In lieu of an approval, keeping records of waste hauled is a reasonable management method in case DHEC needs this information at a later date.

6. Regarding the issuance of a treatment plant permit that depends on the issuance of a discharge permit (e.g., NPDES permit), the current regulation requires resolution of an appealed discharge permit before issuance of a construction permit for the corresponding treatment plant. This creates a burden because a third party appeal of the construction permit could be addressed along with the discharge permit if the permits could be issued together. Otherwise, a utility or industry would have long delays in resolving all matters about the construction of a new treatment facility. Therefore, this regulation is being revised to allow issuance of both the discharge and construction permit together that will reduce unnecessary burdens on permittees.

The proposed amendments are reasonable because they will clarify the existing regulation, update it based on current technologies and issues, and incorporate into regulation sound engineering practices utilized by the Department for the design of new wastewater collection, transmission, and treatment facilities. This amendment defines a set of common design standards to be utilized for new wastewater facilities approved or permitted by the Department.

The benefit is that these proposed amendments will continue to define a set of common design standards to be utilized for new wastewater facilities approved or permitted by the Department while allowing flexibility for designs in unique circumstances. Properly designed and maintained wastewater facilities will protect public health and safety and the environment of the State. There are no anticipated additional cost to the regulated community because design standards required under these amendments will be consistent with current engineering practices utilized by the Department for new wastewater collection, transmission, and treatment facilities.

DETERMINATION OF COSTS AND BENEFITS: There are no anticipated additional costs to the State. Regulation 61-30, *Environmental Protection Fees*, promulgated pursuant to S.C. Code Section 48-2-10 et seq., authorizes the Department to collect fees for certain wastewater construction permits. Therefore, no additional state funding is being requested; existing staff and resources will be utilized to enforce these amendments to the regulations. It is anticipated that these amendments will not create any additional cost to the regulated community because the design standards required under these amendments will be consistent with current guidelines utilized by the Department for new wastewater collection, transmission, and treatment facilities.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: There is no anticipated detrimental effect to protection of the environment or health and safety of the public due to implementation of this amendment. The

effect should be beneficial because the amendment will ensure properly designed and maintained wastewater facilities which will protect public health and safety and the environment of the State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There is no anticipated detrimental effect to the environment and public health if the proposed amendments to the regulation are not implemented. However, the proposed amendments seek to bring clarity to the regulation; reduce economic burdens on local communities by better approximating the loadings in a sewer system; reduce the burden to obtain a sewer construction permit in certain cases; reduce the amount of paperwork DHEC needs to have in order to review a construction permit application; reduce the burden on industries when needing to haul small quantities of wastewater to another system; and allow simultaneous issuance of a treatment plant permit and a discharge permit, reducing unnecessary burdens on permittees.

Statement of Rationale:

Pursuant to the Governor's Executive Order 2013-02, DHEC evaluated Regulation 61-67 for requirements that may be a burden on the regulated community without a corresponding environmental or public health benefit. There is no anticipated burden devoid of benefit. The proposed amendments seek to bring clarity to the regulation; reduce economic burdens on local communities by better approximating the loadings in a sewer system; reduce the burden to obtain a sewer construction permit in certain cases; reduce the amount of paperwork DHEC needs to have in order to review a construction permit application; reduce the burden on industries when needing to haul small quantities of wastewater to another system; and allow simultaneous issuance of a treatment plant permit and a discharge permit, reducing unnecessary burdens on permittees.

**ATTACHMENT B
TABLE OF REVISIONS
PROPOSED AMENDMENT OF R.61-67, STANDARDS FOR WASTEWATER FACILITY
CONSTRUCTION
December 11, 2014**

Section-by-Section Discussion of Proposed Regulation

Note: The sections cited in this listing reflect the sections as they are numbered in the underline/overstrike version of the regulation.

R.61-67, Standards for Wastewater Facility Construction

Section and Change

R.61-67.100.B

This paragraph is revised to remove un-necessary language “after the effective date of this regulation” for clarity.

R.61-67.100.D

The definition of a service connection is being amended to be consistent with the definition of a service connection for drinking water systems.

R.61-67.100.E.4.a and b

The number of copies of plans, specifications, etc., that are required to be submitted is being reduced.

R.61-67.100.E.6

The text of this section on contested permit decisions is being deleted and the section is being Reserved.

R.61-67.300.A.7

This section is being amended to allow the issuance of a treatment plant permit coincident with a discharge permit.

R.61-67.300.A.8.a

This section is being amended to clarify when construction may commence on the construction of a treatment plant permitted coincident with the discharge permit.

R.61-67.300.G.2

This section is being amended to streamline industrial pump and haul operations.

R.61-67.300.H.1 and 2

This section is being amended to remove the language related to the reduction of unit loadings since this is being changed in Appendix A.

R.61-67.Appendix A

This table is being amended to reduce the unit loading flows by 25 percent. For ease of implementation, the loading was rounded to the nearest whole number. A stylistic change is included.

ATTACHMENT C
TEXT OF PROPOSED AMENDMENT
PROPOSED AMENDMENT OF R.61-67, STANDARDS FOR WASTEWATER FACILITY
CONSTRUCTION
December 11, 2014

LEGEND

Deleted text is shown by ~~strikeout~~

Added text is shown by underlining

R.61-67. *Standards for Wastewater Facility Construction*

Revise R.61-67.100.B to read:

B. Applicability. This regulation applies to engineering design and construction of all wastewater treatment facilities and all wastewater collection and transmission facilities which require a construction permit or approval from the Department ~~after the effective date of this regulation~~. The Department may approve temporary research and development and other wastewater treatment projects without requiring an engineering report or construction permit when such activity is considered by the Department to be minor in nature.

Revise R.61-67.100.D definition of Service Connection to read:

“Service Connection” means an individual gravity sewer line, or an individual pump station and force main, ~~serving only one (1) building or one (1) residential lot~~ with domestic or industrial wastewater connecting to a gravity sewer system. Oil/Water Separators, pH Adjustment Systems, and other similar simple industrial wastewater treatment systems (as determined by the Department) will be considered a component of the service connection when a local pretreatment permit is not required. ~~A Service Connection does not include the following:~~ Piping associated with a service connection shall not require a construction permit if the following conditions are met:

- ~~a. Individual connections, where at the time of connection, design flow contribution shall be greater than five (5) percent of the existing wastewater treatment facility’s design capacity or shall generate flows greater than fifty thousand (50,000) gallons per day;~~
- ~~b. Individual connections to force main sewers and vacuum sewer connections beginning with the valve pit;~~
- ~~c. A gravity sewer line or pump station and force main serving more than one (1) building or more than one (1) residential lot;~~
- ~~d. Sewer lines that have the reasonable ability to serve any additional projects and/or buildings in the future:~~
 - a. Individual connections, at the time of connection, have design flow contribution no greater than five (5) percent of the existing wastewater treatment facility’s design capacity or have no generated flows greater than fifty thousand (50,000) gallons per day;
 - b. Individual connections are to a gravity sewer main;
 - c. Individual connections only serving a single house, single mobile home, single building, or multiple-building complex under single ownership with no rental units (e.g., schools or industry);
 - d. Individual connections are not serving a shopping mall, multiple-building complex where there will be several owners or renters (e.g., apartment complex, condominium complex, mobile home park, campground, industrial park, or business park), or marina; and
 - e. Individual connections that do not have the reasonable ability to serve any additional projects and/or buildings in the future that are not part of a multiple-building complex under single ownership with no rental units (e.g., schools or industry).

Revise R.61-67.100.E.4 including a. and b. to read:

4. Construction Permit Submittal. The construction permit application shall include the following documentation, where applicable, in order to be considered a complete submittal. Incomplete submittal packages may be returned without processing. The application package may be returned if the determination is made that it conflicts with the applicable 208 Water Quality Management Plan.

a. Standard Submittal. Includes all projects that fall outside the scope of the Delegated Review Program. A separate application shall be made for each wastewater treatment plant addressed.

- (1) A transmittal letter outlining the submittal package;
- (2) A completed application form for a permit to construct, completed in entirety, ~~submitted in triplicate (one (1) original and two (2) copies);~~ including one (1) original and one (1) copy;
- (3) Appropriate application fee based on Regulation 61-30, Environmental Protection Fees;
- (4) Three (3) copies of detailed plans signed and sealed by a professional engineer as stated in subsection 67.100.E.2. General layout on plan sheets no larger than thirty (30) inches by forty-two (42) inches. Profiles of sewer lines required for all gravity sewers, all vacuum sewers and force mains of four (4) inches or greater;
- (5) ~~Three (3) sets~~ One (1) set of material and construction specifications signed and sealed by a professional engineer as stated in subsection 67.100.E.2. Specifications may be omitted when Department approved standard specifications are to be utilized;
- (6) ~~Three (3) sets~~ One (1) set of the appropriate design data and calculations, including flow and pump station calculations and pump curve, when appropriate;
- (7) Three (3) copies of a detailed 8.5 inch by 11 inch location map, separate from the plans;
- (8) ~~Three (3) copies~~ Two (2) copies of construction easements unless the project owner has the right of eminent domain;
- (9) ~~For non-industrial projects, one (1) additional set of the plans, overall layout only, showing the proposed sewer lines (highlighted for identification) and their size;~~
- ~~(10)~~ (9) If the owner of the project is different from the entity that will be accepting the wastewater for treatment, a letter of acceptance (dated within twelve (12) months of application) from that entity stating their willingness and ability to provide the wastewater treatment that, when applicable, includes the specific number of lots and flow being accepted; and
- ~~(11)~~ (10) If the owner of the project is different from the entity that will be responsible for operating and maintaining the project, a letter (dated within twelve (12) months of application) from that entity acknowledging such responsibility.

b. Delegated Review Program (DRP) Submittal. Includes only those applicable projects submitted to the Department for permitting by a Department approved DRP entity.

(1) A transmittal letter outlining the submittal package. This transmittal shall clearly identify the project as a delegated program submittal;

(2) A completed application form for a permit to construct, completed in entirety, ~~submitted in duplicate (one (1) original and one (1) copy);~~ including one (1) original and one (1) copy;

(3) Appropriate application fee based on Regulation 61-30, Environmental Protection Fees;

(4) Two (2) copies of detailed plans signed and sealed by a professional engineer as stated in subsection 67.100.E.2. General layout on plan sheets no larger than thirty (30) inches by forty-two (42) inches. Profiles of sewer lines required for all gravity sewers, all vacuum sewers and force mains of four (4) inches or greater;

~~(5) Two (2) sets of material and construction specifications signed and sealed by a professional engineer as stated in subsection 67.100.E.2. Specifications may be omitted when Department approved standard specifications are to be utilized;~~

~~(6) Two (2) copies~~ (5) One (1) copy of the appropriate design data and calculations, including flow and pump station calculations and pump curve, when appropriate;

~~(7) Two (2) copies~~ (6) One (1) copy of a detailed 8.5 inch by 11 inch location map, separate from the plans;

~~(8) (7)~~ Two (2) copies of construction easements unless the project owner has the right of eminent domain;

~~(9) For non industrial projects, one (1) additional set of the plans, overall layout only, showing the proposed sewer lines (highlighted for identification) and their size;~~

~~(10) (8)~~ If the owner of the project is different from the entity that will be accepting the wastewater for treatment, a letter of acceptance (dated within twelve (12) months of application) from that entity stating their willingness and ability to provide the wastewater treatment that, when applicable, includes the specific number of lots and flow being accepted;

~~(11) (9)~~ If the owner of the project is different from the entity that will be responsible for operating and maintaining the project, a letter (dated within twelve (12) months of application) from that entity acknowledging such responsibility;

~~(12) (10)~~ The 208 Plan certification from the appropriate Council of Governments (COG) for designated 208 areas, or from the Department on the non-designated 208 areas;

~~(13) (11)~~ Coastal Zone Management Consistency (for projects in Horry, Georgetown, Berkeley, Charleston, Dorchester, Colleton, Beaufort, and Jasper county);

~~(14) (12)~~ The Department's permit for placement in navigable waters, where applicable; and

~~(15) (13)~~ The delegated entity shall indicate that a copy of the final approved plans are being returned to the appropriate design engineer.

Delete the text of R.61-67.100.E.6 and Reserve section to read:

6. ~~[Reserved] Contested Permit Decisions. The appeal of a permit decision is governed by the South Carolina Administrative Procedures Act, Regulation 61-72, and the Operating Procedures of the State's Administrative Law Judge Division.~~

Revise R.61-67.300.A.7 to read:

7. No construction permit shall be issued for a wastewater treatment facility, including effluent disposal lines, unless the applicable effluent disposal permit has been issued. Construction may commence only if: a) the applicable effluent disposal permit has not been appealed, or b) the applicable effluent disposal permit becomes effective in a manner which would not require a change to the construction permit, and has not been appealed (or either the period to appeal has lapsed without appeal, or the appeal has been resolved to sustain the permit). ~~In cases where the effluent disposal permit has been issued, but has been appealed according to applicable laws and regulations, the effluent disposal permit shall be considered not to have been issued for the purposes of determining whether a construction permit may be issued for proposed wastewater treatment facilities.~~

Revise R.61-67.300.A.8.a to read:

8. Proposed sewer systems shall connect to existing systems with available capacity or to another proposed sewer system, with available capacity (including considerations of infiltration and inflow), which has already received a construction permit from the Department. Where a construction permit has been issued on the downstream components though not yet operational, a construction permit on the proposed sewer system may be issued, but the approval to place in operation shall not be issued until all downstream components have received an approval to place in operation.

a. Downstream Sewer Systems. Construction permits shall not be issued in cases where adequate capacity in the downstream components of the wastewater facilities is not available to handle the design flow of the proposed project. Adequate capacity for sewer lines and pump stations means that the existing sewer facilities, including the wastewater treatment facility receiving the wastewater, have the capacity as currently permitted. If a downstream treatment system were issued a permit to construct, but construction could not commence consistent with subsection 67.300.A.7, then the wastewater treatment facility permit would not be considered "currently permitted." An evaluation of available capacity may be made based on factors such as flow projections from previously permitted projects (including considerations of infiltration and inflow).

Revise R.61-67.300.G.2 introductory paragraph only; subitems 300.G.2.a. through e. remain the same:

2. Industrial Wastewater Pump and Haul Operations. This applies to the storage of non-hazardous industrial and/or domestic wastewater generated by an industrial facility which is then hauled to a receiving facility at a rate of greater than ~~fifty one hundred (50 100)~~ gallons per day or ~~three hundred fifty seven hundred (350 700)~~ gallons per week or ~~one three thousand five hundred (1,500 3,000)~~ gallons per month. One-time/intermittent operations or those on-site operations are exempt from these requirements. On a case-by-case basis, the Department may also consider other exemptions on the requirement to obtain pump and haul approval for certain process wastewaters. Intermittent is defined for this part as less than one shipment of wastewater per month. Notwithstanding the need for Department approval, the facility shall retain hauling operations records for a period of two (2) years.

Revise R.61-67.300.H.1 and 2 to read:

H. Unit Contributory Loadings to All Domestic Wastewater Treatment Facilities. Refer to 61-67 Appendix A for the minimum design loadings that shall be utilized for all domestic wastewater treatment facilities and those industrial wastewater treatment facilities treating strictly domestic wastewater. These loadings shall be used in determining the average daily flow (ADF) for proposed sewer systems.

1. The loadings in 61-67 Appendix A may either be increased or decreased as determined by this Department. ~~Where there exists by local ordinance or other acceptable means the requirement on the use of water saving devices, the Department may allow the use of seventy five (75) percent of these loadings.~~

2. A reduction in the loadings in 61-67 Appendix A may be granted in the following circumstances:

a. Consideration to other unit contributory loadings may be granted when properly substantiated by the consulting engineer in its engineering report ~~for a new wastewater treatment facility, and/or permit application.~~

b. For existing systems, a reduction may be granted to the wastewater treatment facility when supported with proper documentation. The proper documentation shall be continuously monitored flow at the wastewater treatment facility for several years, including dry and wet years as determined by rainfall data, unless flows are not representative, as determined by the Department. ~~A reduction in the unit contributory loading, if approved, shall be made to the wastewater treatment facility in question, and not a particular project discharging to the wastewater treatment facility.~~ If approved, the reduction in the unit contributory loading shall be approved for all future projects discharging to the wastewater treatment facility (and would be used to revise the current level of remaining capacity). The decision to reduce the loadings shall be made by this Department on an individual treatment facility basis.

Revise R.61-67 Appendix A to read:

61-67, Appendix A. Unit Contributory Loadings to All Domestic Wastewater Treatment Facilities

Unit Contributory Loadings to All Domestic Wastewater Treatment Facilities	
Type of Establishment	Hydraulic Loading (GPD)
A. Airport:	
1. Per Employee	10 8
2. Per Passenger	5 4
B. Apartments, Condominiums, Patio Homes:	
1. Three (3) Bedrooms (Per Unit)	400 300
2. Two (2) Bedrooms (Per Unit)	300 225
3. One (1) Bedroom (Per Unit)	200 150
C. Assembly Halls: (Per Seat)	5 4
D. Barber Shop:	
1. Per Employee	10 8
2. Per Chair	100 75

E. Bars, Taverns: 1. Per Employee 2. Per Seat, Excluding Restaurant	40 <u>8</u> 40 <u>30</u>
F. Beauty Shop: 1. Per Employee 2. Per Chair	40 <u>8</u> 125 <u>94</u>
G. Boarding House, Dormitory: (Per Resident)	50 <u>38</u>
H. Bowling Alley: 1. Per Employee 2. Per Lane, No Restaurant, Bar or Lounge	40 <u>8</u> 125 <u>94</u>
I. Camps: 1. Resort, Luxury (Per Person) 2. Summer (Per Person) 3. Day, with Central Bathhouse (Per Person) 4. Travel Trailer (Per Site)	100 <u>75</u> 50 <u>38</u> 35 <u>26</u> 175 <u>131</u>
J. Car Wash: (Per Car Washed)	75 <u>56</u>
K. Churches: (Per Seat)	3 <u>2</u>
L. Clinics, Doctor's Office: 1. Per Employee 2. Per Patient	15 <u>11</u> 5 <u>4</u>
M. Country Club, Fitness Center, Spa: (Per Member)	50 <u>38</u>
N. Dentist Office: 1. Per Employee 2. Per Chair 3. Per Suction Unit; Standard Unit 4. Per Suction Unit; Recycling Unit 5. Per Suction Unit; Air Generated Unit	15 <u>11</u> 8 <u>6</u> 370 <u>278</u> 95 <u>71</u> 0
O. Factories, Industries: 1. Per Employee 2. Per Employee, with Showers 3. Per Employee, with Kitchen 4. Per Employee, with Showers and Kitchen	25 <u>19</u> 35 <u>26</u> 40 <u>30</u> 45 <u>34</u>
P. Fairgrounds: (Average Attendance, Per Person)	5 <u>4</u>

Q. Grocery Stores: (Per one thousand (1,000) Square Feet. No Restaurant) (Per Person, No Restaurant or Food Preparation)	200 <u>19</u>
R. Hospitals: 1. Per Resident Staff 2. Per Bed	400 75 200 150
S. Hotels: (Per Bedroom, No Restaurant)	400 75
T. Institutions: (Per Resident)	400 75
U. Laundries: (Self Service, Per Machine)	400 <u>300</u>
V. Marinas: (Per Slip)	30 23
W. Mobile Homes: (Per Unit)	300 <u>225</u>
X. Motels: (Per Unit, No Restaurant)	400 75
Y. Nursing Homes: 1. Per Bed 2. Per Bed, with Laundry	400 75 450 <u>113</u>
Z. Offices, Small Stores, Business, Administration Buildings: (Per Person, No Restaurant)	25 <u>19</u>
AA. Picnic Parks: (Average Attendance, Per Person)	40 8
BB. Prison/Jail: 1. Per Employee 2. Per Inmate	45 <u>11</u> 425 94
CC. Residences: (Per House, Unit)	400 <u>300</u>
DD. Rest Areas, Welcome Centers: 1. Per Person 2. Per Person, with Showers	5 4 40 8
EE. Rest Homes: 1. Per Bed 2. Per Bed, with Laundry	400 75 450 <u>113</u>

FF. Restaurants:	
1. Fast Food Type, Not Twenty Four (24) Hours (Per Seat)	40 <u>30</u>
2. Twenty Four (24) Hour Restaurant (Per Seat)	70 <u>53</u>
3. Drive-In (Per Car Served <u>Service Space</u>)	40 <u>30</u>
4. Vending Machine, Walk-up Deli or Food Preparation (Per Person)	40 <u>30</u>
GG. Schools, Day Care:	
1. Per Person	10 <u>8</u>
2. Per Person, with Cafeteria	15 <u>11</u>
3. Per Person, with Cafeteria, Gym and Showers	20 <u>15</u>
HH. Service Stations:	
1. Per Employee	10 <u>8</u>
2. Per Car Served	10 <u>8</u>
3. Car Wash (Per Car Washed)	75 <u>56</u>
II. Shopping Centers, Large Department Stores, Malls: (Per one thousand (1,000) Square Feet. No Restaurant) (Per Person, No Restaurant)	200 <u>19</u>
JJ. Stadiums, Coliseums: (Per Seat, No Restaurant)	5 <u>4</u>
KK. Swimming Pools: (Per Person, with Sewer Facilities and Showers)	10 <u>8</u>
LL. Theaters: Indoor (Per Seat), Drive In (Per Stall)	5 <u>4</u>

ATTACHMENT D
EXCERPT FROM STATE REGISTER NOTICE OF PROPOSED REGULATION

102 PROPOSED REGULATIONS

codes. In addition, corrections have been made for clarity and readability, grammar, references, codification and overall improvement to the text of the regulation.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4485
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 44-1-50 and 48-1-110

61-67. *Standards for Wastewater Facility Construction*

Preamble:

Regulation 61-67, *Standards for Wastewater Facility Construction*, establishes standards, for general and technical design requirements, for use by the Department in reviewing Engineering Reports, establishing Reliability Classifications and issuing State construction permits or other approval action as outlined in the regulation. This regulation applies to engineering design and construction of all wastewater treatment facilities and all wastewater collection and transmission facilities that require a construction permit or approval from the Department.

The Department proposes to amend R.61-67 to reduce unit loading flows in Appendix A by 25 percent based on the knowledge of water savings fixtures and improved designs of sewer collection systems. For ease of implementation, the loading was rounded to the nearest whole number. The proposed revisions also include having a service connection definition similar to the definition for a drinking water service connection, reducing the number of plans and other documents that need to be submitted. Furthermore, revisions include streamlining industrial pump and haul operations and allowing issuance of a treatment plant permit coincident with a discharge permit.

Minor changes were made at R.61-67.100 to remove unnecessary language for clarity and a stylistic change was made in the Table at Appendix A.

A Notice of Drafting for this proposed regulation was published in the *State Register* on April 25, 2014.

Discussion of Proposed Revisions

R.61-67.100.B

This paragraph is revised to remove un-necessary language "after the effective date of this regulation" for clarity.

...
South Carolina State Register Vol. 38, Issue 9
September 26, 2014

ATTACHMENT E
STATE REGISTER NOTICE OF DRAFTING
PROPOSED AMENDMENT OF R.61-67, STANDARDS FOR WASTEWATER FACILITY
CONSTRUCTION
December 11, 2014

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C.Code Sections 44-1-50 and 48-1-110

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend specific sections of Regulation 61-67, Standards for Wastewater Facility Construction, to address requirements related to wastewater construction permitting. Interested persons are invited to submit their views and recommendations in writing to Jeff deBessonnet, Director, Water Facilities Permitting Division, DHEC, 2600 Bull Street, Columbia, South Carolina 29201 or via email at Jeff.DeBessonnet@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on May 27, 2014 -- the close of the drafting comment period.

Synopsis:

Regulation 61-67 sets requirements for obtaining a construction permit to build wastewater collection and treatment facilities. The Department is proposing to reduce certain unit loading flows in Appendix A by 25% based on the knowledge of water savings fixtures and improved designs of sewer collection systems. Other topics the Department will consider changing include: having a service connection definition similar to the definition for a drinking water service connection, reducing the number of plans needing to be submitted, revisions to streamline industrial pump and haul operations and allowing issuance of a treatment plant permit coincident with a discharge permit.

The Department may make other stylistic changes to amend this regulation for internal consistency; clarification in wording; corrections of references, grammatical errors, outlining/codification and such other changes as may be necessary to improve the overall quality of the regulation pursuant to regulation drafting standards required by the Legislative Council.

Legislative review will be required.

ATTACHMENT F
SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES
PROPOSED AMENDMENT TO REGULATION 61-67, STANDARDS FOR WASTEWATER
FACILITY CONSTRUCTION
State Register Document No. 4485
December 11, 2014

Comments received during the public comment period after publication of the Notice of Proposed Regulation in the *State Register*.

COMMENTOR	SECTION CITATION	COMMENT	DEPARTMENT RESPONSE
Paul Calamita, General Counsel of the SC Water Quality Association	General. The overall regulation amendment. Specifically Appendix A, supporting the 25 percent reduction to the unit flow loadings, and Section 61-67.300.A.7, regarding the construction of wastewater treatment facilities.	Support for the amendments	None required

BEFORE

THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET NO. 2014-481-WS

CERTIFICATE OF SERVICE

The undersigned attorney from the Valtorta Law Office, representing the Forty Love Point Homeowners' Association, does hereby certify that she has served the parties listed below with a copy of the pleadings indicated below by electronically mailing a copy of the same by email to the email addresses listed below on the date indicated. The pleadings were emailed on 02/02/2015

PLEADINGS: Testimony of Ken Bozeman; exhibits 1-3

JEFFREY N. NELSON
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February 2, 2015

/S/ LAURA P. VALTORTA.
ATTORNEY FOR INTERVENOR
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COLUMBIA, SC 29201